

Apr 29, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN I. SANGER,

Defendant.

No. 2:22-MJ-00126-JAG-1

ORDER FOLLOWING INITIAL  
APPEARANCE ON CRIMINAL  
COMPLAINT

**\*\*USMS ACTION REQUIRED\*\***

The Court held an initial appearance on April 27, 2022, for a Criminal Complaint filed against Defendant JOHN A. SANGER on April 25, 2022. Defendant appeared in custody represented by Assistant Federal Defender Payton Martinez. Assistant U.S. Attorney Patrick Cashman represented the United States. U.S. Probation Officer Patrick J. Dennis was also present.

Defendant was advised of, and acknowledged, his rights. A denial of the allegations in the Criminal Complaint was entered on behalf of Defendant.

The United States is seeking detention. **ECF No. 8.** Defendant requested a detention hearing. A **detention hearing is scheduled for May 5, 2022, at 1:30 p.m.**, before the undersigned.

Defendant waived the preliminary hearing. A **status hearing is set for May 5, 2022, at 1:30 p.m.**, before the undersigned.

Defendant shall remain in custody pending the detention hearing and shall be afforded reasonable opportunity for private consultation with counsel.

1 If a party desires that another Court review this order pursuant to 18 U.S.C.  
2 § 3145, that party shall promptly file a motion for review before the district judge  
3 to whom the case is assigned, as further described in the Detention Order Review  
4 Protocol published for the Eastern District of Washington. Both parties shall  
5 cooperate to ensure that the motion is promptly determined.

6 Additionally, under federal law, including Rule 5(f) of the Federal Rules of  
7 Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable  
8 decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the  
9 government has a continuing obligation to produce all information or evidence  
10 known to the government relating to guilt or punishment that might reasonably be  
11 considered favorable to the defendant's case, even if the evidence is not admissible  
12 so long as it is reasonably likely to lead to admissible evidence. *See United States*  
13 *v. Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the court orders the  
14 government to produce to the defendant in a timely manner all such information or  
15 evidence.

16 Information or evidence may be favorable to a defendant's case if it either  
17 may help bolster the defendant's case or impeach a prosecutor's witness or other  
18 government evidence. If doubt exists, it should be resolved in favor of the  
19 defendant with full disclosure being made.

20 If the government believes that a required disclosure would compromise  
21 witness safety, victim rights, national security, a sensitive law-enforcement  
22 technique, or any other substantial government interest, the government may apply  
23 to the Court for a modification of the requirements of this Disclosure Order, which  
24 may include *in camera* review and/or withholding or subjecting to a protective  
25 order all or part of the information.

26 This Disclosure Order is entered under Rule 5(f) and does not relieve any  
27 party in this matter of any other discovery obligation. The consequences for  
28

1 violating either this Disclosure Order or the government's obligations under *Brady*  
2 include, but are not limited to, the following: contempt, sanction, referral to a  
3 disciplinary authority, adverse jury instruction, exclusion of evidence, and  
4 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the  
5 government's obligation to disclose information and evidence to a defendant under  
6 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit  
7 precedent. As the Supreme Court noted, "the government violates the  
8 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the  
9 defense and material to the defendant's guilt or punishment.'" *Turner v. United*  
10 *States*, 137 S. Ct. 1885, 1888 (2017), quoting *Smith v. Cain*, 565 U.S. 73, 75  
11 (2012).

12 **IT IS SO ORDERED.**

13 DATED April 29, 2022.



  
JAMES A. GOEKE  
UNITED STATES MAGISTRATE JUDGE